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CONFIDENTIAL

MEMORANDUM FOR THE RECORD

The attached staff paper on removal authorities, staff reductions and outplacement in FBI was developed by Jim Sweet based on interviews and the data in the file which was provided by FBI staff. The staff paper was reviewed and concurred in by FBI in terms of accuracy in reporting views expressed in the meetings.

Frank A. Yeager

12/20/88

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REMOVAL AUTHORITIES, STAFF REDUCTIONS AND OUTPLACEMENT
Federal Bureau of Investigation

Removal Authority

The Director, FBI derives his authority to remove from a delegation from the Attorney General under Title 28, Code of Federal Regulations, Sec. 0.137 to exercise the power and authority vested in the Attorney General by law to take final actions in matters pertaining to the employment, direction, and general administration (including appointment, assignment, training, promotion, demotion, compensation, leave, classification and separation) for all but a few senior level positions, in the Federal Bureau of Investigation. Any actions taken under this delegation are subject to post audit by the Asst. Attorney General for Administration.

Adverse action matters initiated under Sec 0.137 are conducted in a manner consistent with the Veterans Preference Act of 1944. Although the FBI is an "excepted" service, it incorporates certain aspects of the procedures prescribed by OPM in FPM Chapter 752. Appropriate notification, response time, entitlement to representation, and proposer/disposer system are all part of FBI standard adverse action procedures. Preference eligibles may appeal a decision to remove to MSPB, whereas non-preference eligibles may not.

An average of about 20 persons per year face proposed action for removal for a variety of reasons and one or two other cases may result in summary dismissal and other adverse action. Many employees resign when faced with a proposed action to remove.

General Staff Reductions

The FBI is subject to RIF rules and procedures as prescribed by OPM in Chapter 351 of the Federal Personnel Manual. In its entire history, the FBI has never had a major RIF. There have been instances when individual positions have been abolished, but these were few and far between.

Outplacement

The FBI does not have any kind of outplacement program for employees who are separated. The only counseling provided relates to matters which may be applicable to departure from federal service. The FBI does conduct a one week pre-retirement seminar for retiring special agents.

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There is no formal program in being to provide for any special handling of cases which involve removal for security reasons, should there even be such a case.

Adequacy of Current Procedures

Adequate authority resides with the Director of the FBI to handle cases where termination of employment is necessary, regardless of the reason. The Director of the FBI has under his existing authorities the capability of invoking a "selection out" of any employee or group of employees of the FBI should he deem such action to be in the best interest of the Bureau. The FBI does not believe that any additional authority in this area is necessary.

The FBI is subject to administrative procedures prescribed by OPM for processing adverse actions and for managing staff reductions under a reductions in force. Such administrative arrangements appear to work effectively in the FBI and no changes are deemed necessary nor are they sought.

Although the FBI is not especially interested in an outplacement program for employees who are terminated or who resign when faced with termination, it is suggested that some form of outplacement program should be considered. Considering the fact that the FBI agents are eligible for early retirement under the provisions of Law Enforcement Retirement System, a program similar to the CIA and State Dept. programs, which provide outplacement services for both retirees and separated employees, might prove very beneficial.

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